

CHAPTER 7

DISCIPLINE FOR PERMANENT EMPLOYEES

Section 1. **Reasons for Discipline.**

- (a) As used in this chapter, the word employee shall refer to permanent employees only.
- (b) Agency management may discipline a permanent employee for cause including, but not limited to, the following reasons:
 - (i) Absenteeism;
 - (ii) Incapacity to perform assigned duties;
 - (iii) Assault;
 - (iv) Carelessness;
 - (v) Damaging State property;
 - (vi) Dishonesty;
 - (vii) Insubordination;
 - (viii) Misconduct;
 - (ix) Refusal to work;
 - (x) Sexual harassment;
 - (xi) Theft;
 - (xii) Unsatisfactory work performance;
 - (xiii) Criminal conduct;
 - (xiv) Falsification of application for employment;
 - (xv) Violation of agency rules or policy;
 - (xvi) Violation of State Personnel Rules;
 - (xvii) Violation of the State of Wyoming Substance Abuse Policy;
 - (xviii) Violation of the State of Wyoming Anti-Discrimination Policy;
 - (xix) Violation of the State of Wyoming Electronic Mail Policy;
 - (xx) Violation of the State of Wyoming, Office of the Chief Information Officer, Information Technology Manual, Internetworking Acceptable Use Policy (CIO 1200-P143);
 - (xxi) Violation of the State of Wyoming Code of Ethics; and
 - (xxii) Violation of the Workplace Violence Policy.

(c) At the request of the agency head, the Human Resources Division and the office of the Attorney General shall provide technical assistance in matters pertaining to the administration of employee discipline.

Section 2. Determination of Appropriate Discipline.

(a) Agency management shall attempt to administer discipline to permanent employees in progressive stages to seek corrective results. However, conduct of any type which agency management considers serious, may result in a disciplinary suspension or dismissal without taking prior disciplinary steps.

(b) Progressive stages of discipline may include but are not limited to, letters of expectation, letters of counseling, or verbal or written warnings. However, this is not mandatory and agency management may within his/her sole discretion determine to administer any level of discipline in Section 3 herein as an initial step to a permanent employee.

(c) The agency management's determination of the appropriate action to take shall be based on adequate investigation of the facts and circumstances of the case.

Section 3. Types of Discipline.

(a) Written Reprimand:

(i) A supervisor may formally discipline a subordinate employee for cause by providing a written reprimand to the employee specifying;

(A) Reason(s) for the reprimand;

(B) Previous letters of expectation, letters of counseling, verbal or written warnings, unacceptable performance appraisals, discussions, or reprimands, if any;

(C) Corrective action necessary to avoid further disciplinary action; and

(D) The right to present a grievance pursuant to these rules.

(b) Disciplinary Suspension:

(i) An agency head may suspend, without pay, an employee for cause for up to thirty (30) days in a calendar year. The agency head shall provide the employee with written notification specifying;

(A) Reason(s) for the suspension;

(B) Previous letters of expectation, letters of counseling, verbal or written warnings, unacceptable performance appraisals, discussions, or reprimands, if any;

(C) The effective date and duration of the suspension;

(D) The corrective action necessary to avoid further disciplinary action; and

(E) The right to present a grievance pursuant to these rules.

(ii) A copy of the notice of suspension shall be sent to the Human Resources Division by the agency head.

(c) Dismissal of Permanent Employees:

(i) Dismissal Due to Employee Conduct/Incapacity;

(A) An agency head may dismiss an employee for cause. Prior to the dismissal of a permanent employee, the agency head shall provide to the employee written notification specifying;

(I) The reason(s) and summary of the evidence for dismissal; and

(II) An opportunity for the employee, within ten (10) working days, to respond in writing to the charge(s);

(B) The agency head shall have ten (10) working days to consider the response;

(C) If the agency head determines dismissal is appropriate, the agency head shall provide, personally or by return receipt requested certified mail, written notification to the employee specifying;

(I) The reason(s) for the dismissal;

(II) The effective date of the dismissal; and

(III) The right to a hearing pursuant to these rules;

(ii) Dismissal Subsequent to a Fitness for Duty Evaluation;

(A) An agency head may dismiss an employee determined to be incapacitated to perform assigned duties subsequent to a fitness for duty evaluation. Prior to the dismissal of a permanent employee, the agency head shall provide to the employee written notification specifying;

(I) The reason(s) and summary of the evidence for dismissal;

(II) Notification that the Fitness for Duty report will not be provided directly to the employee, but may be provided directly to a qualified mental health professional of the employee's choice for interpretation; and

(III) An opportunity for the employee, within ten (10) working days, to respond in writing to the charge(s). If the employee chooses to have a qualified mental health professional interpret the report for them, the time period for response may be extended upon mutual agreement;

(B) The agency head shall have ten (10) working days to consider the response;

(C) If the agency head determines dismissal is appropriate, the agency head shall provide, personally or by return receipt requested certified mail, written notification to the employee specifying;

(I) The reason(s) for the dismissal;

(II) The effective date of the dismissal; and

(III) The right to a hearing pursuant to these rules;

(iii) A copy of the notice of dismissal shall be sent to the Human Resources Division;

(iv) If the agency head perceives that the employee's presence on the job may be detrimental to the operation of the agency, the agency head may place the employee on Administrative Review Leave, with pay, pending the dismissal review period.

Section 4. Compliance with Procedure.

(a) Failure to comply with the procedural steps in this chapter by the agency terminates the disciplinary action without prejudice. Parties shall be restored to the previous status held prior to the disciplinary action.